REMARKS/ARGUMENTS

Claims 1-24 remain in the application, all of which stand rejected.

Support for the amendments to claims 1, 18 and 24 is found, at least, in paragraphs [0073]-[0075]. Other amendments have been made to harmonize dependent claims with the amendments to independent claims. None of the amendments are believed to introduce new matter.

1. Rejection of Claims 1-22 and 24 Under 35 USC 101

Claims 1-22 and 24 stand rejected under 35 USC 101 as being drawn to non-statutory subject matter.

At least as amended, claims 1 and 18 are believed to be statutory because each is drawn to "A computer readable medium having a stored computer program, the computer program having instructions that, when executed by a computer system, provide a test development tool". Thus, each of these claims is tied to a particular machine. In addition, claim 1 is further "tied to a machine" because it accesses and evaluates test programs "for respective first and second pre-existing integrated circuits", and it defines a new test program "for concurrently testing first and second pre-existing integrated circuit devices". Claim 18 is further "tied to a machine" because it provides "at least one test method to run the at least one combined subtest code portion of the new combined overall test program for a new combination device including the first and second pre-existing integrated circuit devices."

Claim 21 stands rejected because the recited "means" may comprise software. However, 35 USC 112, paragraph 6, indicates that "such claim shall be construed to cover the corresponding structure. . .described in the specification and equivalents thereof." Here, the Examiner is not looking to the "corresponding structure", but is instead trying to reach applicants' claim on non-structural elements. Some of the

"corresponding structure" recited in applicants' specification is described in paragraphs [0073]-[0075] and comprises "an instruction execution system, apparatus, or device, such as a computer-based system, processor-containing system, or other system that can fetch the instructions from the instruction execution system, apparatus, or device, and execute the instructions." See, paragraph [0073]. As indicated in the September 2, 2008 Memorandum of Deputy Commissioner John Love, addressing 35 USC 112, sixth paragraph, rejections, "The corresponding structure for a computer-implemented function must include the algorithm as well as the general purpose computer or microprocessor." See, page 3. Here, applicants have not only recited a general purpose computer, but applicants have disclosed exemplary algorithms that may be implemented by such a general purpose computer to transform it into a special purpose computer. See, for example, FIGS. 7, 8a, 8b and 9, and their corresponding descriptions. For at least these reasons, claim 21 is believed to be statutory.

At least as amended, claim 24 is believed to be statutory for reasons similar to why claims 1 and 18 are believed to be statutory.

Claims 2-17, 19, 20 and 22 are believed to be statutory, at least, because they depend from other statutory claims.

2. Rejection of Claims 1-10, 12-15, 18, 19 and 21-24 Under 35 USC 103(a)

Claims 1-10, 12-15, 18, 19 and 21-24 stand rejected under 35 USC 103(a) as being unpatentable over Gray et al. (7,290,174; hereinafter "Gray") in view of Hamameh et al. (US 5,864,660; hereinafter "Hamameh"). Applicants respectfully disagree.

Claim 1 recites "test development program code for *accessing first and second pre-established test programs, each of said first and second pre-established test programs having been previously established for respective first and second pre-existing integrated circuit devices, and said first and second pre-established test programs each having respective first and second sets of subtest code portions*". In contrast, Gray only

discloses the generation of test instruction sequences from "fragments". Gray does not access pre-established test programs. Nor does Gray evaluate portions of pre-established test programs to determine whether those portions may be combined when forming "a new test program" that concurrently tests first and second pre-existing integrated circuit devices.

Although Hamameh discloses the compilation of test codes for "integration testing" (i.e., testing to ensure that different components work with one another), Hamameh does not disclose "test development program code *for evaluating the first and second sets of subtest code portions and determining whether any respective subtest code portions of said first and second sets of subtest code portions have features allowing for combination in a new test program*, said test development program code for the evaluating and determining steps providing at least one output result thereof". Rather, Hamameh pre-defines integration points between components (col. 4, line 32 - col. 5, line 18) and then pre-generates different test codes for the different components that may be coupled to one another via one of the integration points (col. 5, line 27 - col. 6, line 28). Thus, when two components are combined it is known that the test codes for two elements can be combined; and no sort of *evaluation* is needed to determine whether the test codes can be combined. Also, and because Hamameh pre-generates test codes that can be combined, there is no reason that one of ordinary skill in the art would have found it useful to introduce such an analysis to Hamameh's system.

For at least the above reasons, claim 1 is believed to be allowable.

Claims 2-10 and 12-15 are believed to be allowable, at least, because they depend from claim 1.

Claims 18, 19 and 21-24 are believed to be allowable, at least, for reasons similar to why claim 1 is believed to be allowable.

3. Conclusion

In light of the amendments and remarks provided herein, applicants respectfully request the issuance of a Notice of Allowance.

Respectfully submitted,
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